## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

BONNIE WEBB, on behalf of plaintiff and a class,	) )
Plaintiff,	) Case No. 11-cv-5111
v.	<ul><li>) Judge Joan H. Lefkow</li><li>) Magistrate Judge Martin C. Ashman</li></ul>
MIDLAND CREDIT MANAGEMENT, INC.,	)
MIDLAND FUNDING, LLC and ENCORE	)
CAPITAL GROUP, INC.,	)
	)
Defendants.	

## DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO ANSWER, MOVE OR OTHERWISE PLEAD TO PLAINTIFF'S COMPLAINT AND RESET DATE FOR SUBMISSION OF AGREED SCHEDULING ORDER

Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING, LLC and ENCORE CAPITAL GROUP, INC. (collectively "defendants"), by their attorneys David M. Schultz and Clifford E. Yuknis of Hinshaw & Culbertson LLP, respectfully move this Honorable Court: (1) for an additional 14-day enlargement of time to answer, move or otherwise plead to Plaintiff's Class Action Complaint ("Complaint") to and including October 17, 2011 and (2) reset the date for submission of agreed scheduling order. In further support of this motion, defendants state as follows:

- 1. Plaintiff's Complaint purports to state claims against defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (FDCPA).
- 2. Defendants' September 16, 2011 motion to enlarge (Doc. #22) was granted, and Defendants' answer or other responsive pleading is due on October 3, 2011 (Doc. #24).
  - 3. Defendants have evidence that indicates this matter is subject to arbitration.

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4. Defendants need the additional time to gather the necessary information from a

third party in order to file a motion to compel arbitration and to stay these proceedings pending the

completion of the arbitration.

5. This time is not meant for purposes of unnecessary delay and will not prejudice any

party in the litigation.

6. On September 23, 2011, this Court entered an order providing that a proposed

agreed scheduling order be filed (Doc. #21). If defendants file a motion to compel arbitration and

stay proceedings and it is granted, there will be no need for the parties to submit an agreed

scheduling order.

7. Clifford E. Yuknis discussed this matter with Courtroom Deputy Michael Dooley,

who suggested the approach set forth in this motion. Opposing counsel Cassandra Miller informed

Yuknis that she called Mr. Dooley on September 22, 2011 but he was not available.

WHEREFORE, Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND

FUNDING, LLC and ENCORE CAPITAL GROUP, INC. respectfully request that this Court

grant it a 14-day enlargement of time up to and including October 17, 2011, to answer, move or

otherwise plead to Plaintiff's Class Action Complaint and that the Court reset a date for the

submission of an agreed scheduling order.

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One of the Attorneys for Defendants

By:/s/*Clifford E. Yuknis* 

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